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AKERMAN SENTERFITT			TANK, ANDREW L	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/715,041	Applicant(s) CHENG ET AL.	
	Examiner Andrew Tank	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,8-13,15-17 and 20-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,8-13,15-17 and 20-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is in response to the amendment of May 14, 2007. Claims 1, 3-5, 8-13, 15-17, and 20-27 are pending and have been considered below.

#### *Response to Arguments*

2. Applicant's arguments with respect to claims 1, 3-5, 8-13, and 15-17 have been considered but are moot in view of the new grounds of rejection.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 8-13, and 20-27 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hashimoto et al. ("Tele-Handshake through the Internet", IEEE Workshop on Robot and Human Communication, copyright 1996 IEEE, pages 90-95).

- Claims 1, 10, and 13: Hashimoto et al. disclose a method, system, and computer-readable medium of communicating physical human interactions over a communications network (page 90 col 2 lines 4-8) comprising:
  - detecting physical contact of a first model by a first user located at a sending system (page 90 col 2 "Tele-Handshaking System" paragraphs 1 and 2, tactile feedback,

- Operator A, site A), said first model representing at least a portion of a human body (page 91 Fig. 2), wherein said first model incorporates one or more sensors (page 91 Fig. 2);
- generating data from said sensors specifying the physical contact (page 90 “Tele-Handshaking System” paragraph 4);
  - determining at least one action intended by the generated data (page 90 “Tele-Handshaking System” paragraph 4);
  - transmitting the determined action over a communications network to a receiving system (page 91 paragraph 1); and
  - simulating the action by performing said action on a second user at the receiving system using a second model (page 90 “Tele-Handshaking System” paragraph 2), said second model representing at least said portion of said human body (page 91 Fig. 2), wherein said second model incorporates one or more actuators (page 91 Fig. 2).
- Claims 8 and 20: Hashimoto et al. disclose the method and computer-readable medium as in claims 1 and 13 above respectively, said simulating step further comprising the step of translating the action into instructions for activating at least one actuator; and activating the at least one actuator in accordance with the instructions.
  - Claims 9, 11, 12 and 21: Hashimoto et al. disclose the method, system and computer-readable medium as in claims 1, 10 and 13 above respectively, further comprising:
    - detecting physical contact of the second model by a second user (page 90 col 2 “Tele-Handshaking System” paragraphs 1 and 2, tactile feedback, Operator B, site B), wherein said second model incorporates one or more sensors (page 91 Fig. 2);

- generating data from said sensors specifying the physical contact of the second model (page 90 “Tele-Handshaking System” paragraph 4);
  - determining at least one action intended by the second user indicated by the generated data (page 90 “Tele-Handshaking System” paragraph 4);
  - transmitting the determined action over a communications network to the sending system (page 91 paragraph 1); and
  - simulating the action by performing said action on the first user at the sending system using the first model (page 90 “Tele-Handshaking System” paragraph 2), wherein said first model incorporates one or more actuators (page 91 Fig. 2).
- Claims 22 and 25: Hashimoto et al. disclose the method and computer-readable medium as in claims 1 and 13 above respectively, wherein said portion of said human body includes at least one among a human hand, a human head, a human face, and a human back (page 91 Fig. 2 hand).
- Claims 23 and 26: Hashimoto et al. disclose the method and computer-readable medium as in claims 1 and 13 above respectively, wherein said generated data specifies a time when a force was detected (page 95 Fig. 7 Operator force, x-axis = time in seconds), amount of said force (page 95 Fig. 7 Operator force, y-axis = force in Newtons), and a location on said human body to which said force was applied (page 95 Fig. 7 Tele-handshake test result, hand).
- Claims 24 and 27: Hashimoto et al. disclose the method and computer-readable medium as in claims 1 and 13 above respectively, wherein said action intended by said first user includes

at least one among a handshake, an embrace, and a pat on the back (page 90 “Tele-Handshake through the Internet”).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-5 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hashimoto et al.** (“Tele-Handshake through the Internet”, IEEE Workshop on Robot and Human Communication, copyright 1996 IEEE, pages 90-95).

- Claims 3 and 15: **Hashimoto et al.** disclose the method as in claim 1 above, but do not specifically disclose converting the data to markup language formatted data. However, **Hashimoto et al.** disclose operating the method using the TCP protocol (page 91 3.1).

Therefore it would have been obvious to one of ordinary skill in the art at the time of present invention to implement the computer methods as modules and to convert them to a mark up language for Internet use. One would have been motivated to do this in order to use another standardized, reliable (page 91 3.1. “we have selected to use reliable TCP protocol) computer programming language, thereby avoiding the cost and time involved with developing one’s own programming language, as well as to provide a programming language specifically developed for use with internet based applications.

Art Unit: 2173

- Claims 4 and 16: Hashimoto et al. disclose the method as in claims 3 and 15 above, and further disclose identifying the action from the markup language formatted data in the receiving system (page 90 “Tele-Handshaking System” paragraph 4).
- Claims 5 and 17: Hashimoto et al. disclose the method as in claims 4 and 16 above, and wherein the markup language formatted data specifies at least one actuator movement to be implemented by the receiving system and an amount of force to be applied in the at least one actuator movement (page 90 “Tele-Handshaking System” paragraph 4).

### *Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2173

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Tank whose telephone number is 571-270-1692. The examiner can normally be reached on Mon - Fri (Alt. Fri Off) 0730-1500 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on 571-272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AT

ALT  
July 9, 2007

John Cabeca  
Supervisory Primary Examiner



**KIEU VU**  
**PRIMARY EXAMINER**